

RICHARD PALMA
ATTORNEY AT LAW
122 EAST 42nd STREET - SUITE 620
NEW YORK, NEW YORK 10168

MEMBER OF THE BAR
NEW YORK & FLORIDA

TEL. (212) 686-8111
FAX. (212) 202-7800
E-MAIL: rpalma177@gmail.com

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Honorable Laura Taylor Swain
United States District Judge
United States District Court for S.D.N.Y.
500 Pearl Street
New York, N.Y. 10007

Re: U.S. v. Jamil Speller, 13 Cr. 986 (LTS)
Defense Counsel Affirmation.

Dear Judge Swain:

In my best effort to comply with Your Honor's December 20, 2019 order requiring me to inform the Court "*regarding whether, and to what extent, a Johnson appeal was considered and why no such appeal was filed,*" I have endeavored to recreate my mindset of more than 4 years ago by reviewing the Indictment, Plea Agreement, Guilty Plea and Sentencing hearing transcripts. I also spoke briefly with Federal Defenders Staff Attorney Barry Leiwant. Having taken such steps to refresh my memory, I can assert the following with some confidence.

1. Noting that United States v. Johnson, 135 F.3d 2551 (2015) was decided in June 2015, I generally recall considering the possible impact of this decision on Jamil Speller's 924(c) conviction. I also recall thinking that, were it successful, any appeal on Johnson or similar grounds that his plea agreement's appeal waiver would permit, would likely subject Mr. Speller to re-prosecution for the most serious count in the indictment, the (b)(1)(A) drug trafficking conspiracy that was dismissed as part of the plea agreement, a count which carried a minimum mandatory 10-year prison term.
2. Based on this harsh reality I believed I had achieved the most beneficial result available under the circumstances. I therefore abandoned further consideration of the matter and, believing that it was in his best interests to honor the agreement, did not consult with Mr. Speller about filing a notice of appeal.

If there are any further questions about this matter, I am available to the Court upon further instructions.

Thank you.

Respectfully submitted,
s/ Richard Palma
Richard Palma (Bar No. rp 4441)